

Merivale statement to 7.30

We are still working through responses to your earlier specific questions. Those will come shortly, as soon as we are able to. In the meantime, we are aware that there are a number of reports around with different information, so we thought the below statement would be a useful background for you:

Merivale cares deeply about its staff and is committed to maintaining the working experience that makes Merivale a sought-after employer. Merivale is confident all staff have been paid in full and we are compliant with all relevant legal standards and the applicable industrial instruments.

Merivale was comprehensively audited by the independent regulator, the Fair Work Ombudsman, in 2018 as part of the Hospitality Compliance Campaign and on 13 July 2018 the Ombudsman determined that Merivale was in full compliance with all of its legal obligations. This demonstrates that any proposed action has no legal basis.

Merivale also continually undertakes internal audits and is confident that there is no systemic underpayment. In fact, the type of claim ventilated in media reports is not about systemic underpayments but rather is based on a creative, novel and strained interpretation of the industrial instrument, which is contrary to the Fair Work Ombudsman's interpretation.

There have been reports regarding a potential class action. If the information is correct, and given the absence of any underpayment, the only winners out of any proposed class action, as always, will be lawyers and litigation funds.

A proposed class action is speculative and could involve current and former employees in a long drawn out and expensive legal action which could take years. Merivale encourages any current or former employee who has any questions or concerns whatsoever to contact Kate Tones (Group People Experience Manager) at hr@merivale.com where any queries can be dealt with confidentially and within a guaranteed 14 days.

It is important to address any suggestion that Merivale's ongoing business is in any way challenged by the move to the new relevant awards.

As noted in our submission to Fair Work, it is correct that the transition to awards will require Merivale to undertake a review of the effect of the transition on its business.

This review will focus on updating operational arrangements to reflect the new award conditions, by way of example, an assessment of shifts and rostering arrangements in certain venues at certain times/days of the week, how staff can move between venues within shifts and how we can accommodate many casual staff who have individual shift requests that the new award doesn't contemplate or allow.

To be clear, these are in-venue administrative and operational reviews and are not assessments as to the ongoing financial viability of any individual Merivale venue or the business as a whole.

We would also like to clarify that everything Merivale is doing to adapt its business to the new award arrangements are part and parcel of operating a successful business which employs circa 3,000 staff.

At all times our staff are at the forefront of what we deliver to our customers and we strive to ensure our employees enjoy all aspects of Merivale as an employer of choice.

Kate Tones

Group People Experience Manager